

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**UNITED STATES OF AMERICA ex rel. DAVID
KESTER, et al.,**

Plaintiffs,

v.

**NOVARTIS PHARMACEUTICAL
CORPORATION, et al.,**

Defendants.

CA-11-8196-(McMahon, J.)

~~PROPOSED~~ ORDER

Upon consideration of Plaintiff David Kester's Motion for Dismissal of Claims of State Plaintiffs Against Bioscrip, Inc. ("Bioscrip"), and good cause appearing therefore in light of the resolutions of claims reached between certain of the state plaintiffs and Bioscrip, the failure of the remaining state plaintiffs to intervene in these claims, the public purposes served by the false claims law of the state government plaintiffs, and the best interests of the parties,

IT IS HEREBY ORDERED that the claims of the states of California, Colorado, Connecticut, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, Oklahoma, Rhode Island, Tennessee, Texas, Virginia, Wisconsin and the District of Columbia against BioScrip, Inc. relating to the covered conduct described in paragraph E of their settlement agreements concerning this action with BioScrip, Inc. are dismissed with prejudice; and

IT IS HEREBY FURTHER ORDERED that all of the remaining claims against BioScrip (except the state of Indiana's claims) are dismissed without prejudice.

IT IS SO ORDERED, this 14th of March, 2014.

A handwritten signature in black ink, appearing to read "Peter M. Hall", written over a horizontal line.

UNITED STATES DISTRICT JUDGE